

PEARSON, J.

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO
EASTERN DIVISION

LEONARD SHELTON,)	
)	CASE NO. 1:10CV0951
Plaintiff,)	
)	
v.)	JUDGE BENITA Y. PEARSON
)	
JOHN DOES 1-5,)	
)	
Defendants.)	<u>ORDER OF DISMISSAL</u>

The City of Lakewood Police Department is not *sui juris* and therefore cannot sue or be sued in its own right. [Nieves v. City of Cleveland, 153 Fed.Appx. 349, 351 n. 1 \(6th Cir. 2005\)](#).

That is why it was dropped as a party defendant when Plaintiff filed his Second Amended Complaint ([ECF No. 22](#)) on August 19, 2010.

The Court dismisses without prejudice Plaintiff's allegations against John Does 1-5,¹ as service of process, and, by extension the institution of a lawsuit, cannot be effected on fictitious persons. [Webster v. Freedom Debt Relief, LLC, No. 1:10CV1587, 2011 WL 3422872, at *2 \(N.D. Ohio Aug. 4, 2011\)](#).

The above-entitled action is hereby closed.

IT IS SO ORDERED.

December 30, 2011
Date

/s/ Benita Y. Pearson
Benita Y. Pearson
United States District Judge

¹ John Does 6-10 were also dropped as parties defendant when Plaintiff filed his Second Amended Complaint ([ECF No. 22](#)).